



Stewart L. Udall, Secretary of Interior which controls Bureau of Indian Affairs.

Then comes a recital of the 87th Congress appropriating a total of \$102 billions of the American taxpayers money for all kinds of unnecessary and foolish projects and then listing them.

In the field of foreign aid, the record is infinitely worse. For instance, the record shows billions handed recklessly to over 89 foreign Nations, friend and foe alike, in our attempt to buy friends. For the period including 1946 through 1961, the total of these gifts, outright throwing away of the peoples' money is, \$90,256,300,000 of this \$29,000,000,000 was for economic aid rehabilitation of foreign enemies. What an anomaly! Great hordes of our people are destitute. Why not take care of them first instead of Tito for instance, who is allied with Khrushchev, who accepts our billions in handouts then pokes fun at us for being dumb fools.

Now, then, the argument is; If this Nation can recklessly squander its peoples' money in the manner herein depicted, why does it not pay its honest debts to the American Indians who have gone all out to defend this government whenever a war breaks out? A very small amount of the money Congress has been throwing away will do the job, which it is honor bound to do. Instead, when Indians are concerned, Congress quibbles about the amount involved; cries of bankruptcy of this Nation resound through Congress. This is pure nonsense in the face of billions squandered by Congress in underwriting the operative expenses of every Nation on earth. I call these facts to every tribal leader so that you might understand the discriminations and status of the under dog and the least considered of all Americans, the position we Indians have occupied since the foundation of the American government. I wish to also point out that our affairs are handled politically by two political appointees who never go before the people to be elected to the positions of Secretary and Indian Commissioners and who snap the whip at us, and we in opposition have no recourse in redress in any court in the land against their official actions.

It is the responsibility of all tribal leaders and the entire Indian populations to band together politically, and by and from behind our votes demand a change of the order, demand constitutional process of governmental administration on every Indian reservation in the land. This is my message to all tribes and I hope that some leader will spark action as is herein suggested.

PRIVATE PROPERTY RIGHTS OF THE INDIANS

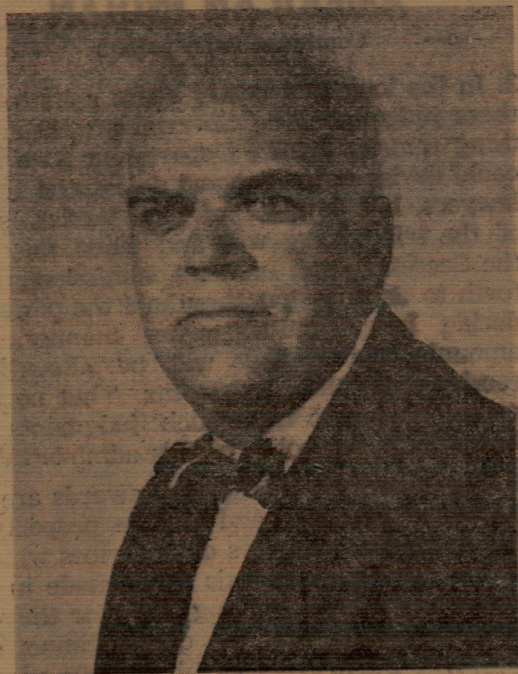
The Constitution specifically declares for the protection of the property rights of "every person" under the American Flag, by the 5th and 14th Amendments.

The right of every citizen to acquire, own and use his own property as he pleases is one of the basic principles upon which this Nation is founded. The underlying principle of our free enterprise system is private ownership of property which includes all forms of chattel and personal property. Money is personal property and thus comes under constitutional protection.

Now, then, let us consider these rights when the Indians are concerned. Many of the tribes have recently won judgment in the courts for their tribal lands which were arbitrarily taken from them by this Nation. These money judgments represent compensation long overdue the Tribes for such land seizure.

These money judgments therefore fall into the category of the payment of a just debt and are in nowise to be considered as a gift or grant or a heart balm from the United States to the Indians for wrongs inflicted. Rather, it is an admission of wrong inflicted and a money payment offered the members of the tribe so wronged. This is the spirit which animates this Nation through its courts when awarding these judgments.

Property in its widest sense is divisible into four categories; I. General. 2. Absolute.



Philleo Nash, Commissioner, Bureau of Indian Affairs. Although Nash claims clearance from former President Truman and Loyalty Boards, the Congressional Record of January 29, 1952, page 581 gives the F.B.I. report which indicates communist affiliations.

property without due process of law: nor shall private property be taken for public use, without **JUST COMPENSATION**," (Fifth Amendment).

So, we have here, the Constitution which guarantees unto "every person" (and the Indians surely are "persons") protection of their lands and personal property, and judgment monies won in the courts against the Government too, are personal property and cannot be taken without due process of law. But you all know what has happened to those tribes who have won judgments. The Interior Secretary and Indian Commissioner have taken the position that they are empowered by existing law to do as they see fit in the disposition of the judgments won by the tribes and thus, programmes of every kind and description have been forced upon every tribe winning judgment. This it appears, is an arrogant flouting of the Constitution just cited. The question is: what are the tribes going to do about it? That question you in this convention and the N.C.A.I. convention at Bismark must decide. The tribes were forced to win these judgments the hard way with the Interior and Justice Department opposing in an all out fight to prevent any tribe from winning their suit, then when in spite of such opposition, any tribe won its suit, the Secretary and Indian Commissioner and members of the Senate Interior insisted that they had the authority of law to dictate how, and in what manner the tribes winning, shall be allowed to spend the money, the constitutional decrees to the contrary notwithstanding. I submit that this is governmental tyranny in the extreme.

During the Udall and Nash confirmation hearings before the Senate Interior Committee, the members of this committee, the Secretary and Mr. Nash all took the position that they could not trust the winning tribes with the responsibility of spending their judgment wins wisely, the implication being that the Indians are too dumb to use their hard won monies wisely. This, I submit, is an insult against the intelligence of every American Indian, and is the tyrannical discrimination always practiced on all Indians from the beginning of government here.

The argument also has been made in the Congress that to pay the Tribes the money that they are suing for would bankrupt this Nation. Let us see how much of the Peoples' money in the Federal Treasury, that Congress has been pouring into the hands of every Nation on earth, friend and foe alike, and into absolutely unnecessary public works programmes all over the world. At this moment we are underwriting the economic rehabilitation and public works programmes of nearly every nation on earth.

I refer you to the August 16 issue of Life's magazine, page 20-28 inclusive. The caption is: "Pork Barrel Swells." Then states: "The U. S. spends increasing billions on projects done first and foremost for **POLITICAL GAIN**—and that we could really do without."

3. Personal. 4. Private. We are concerned here with personal and private property. Personal property denotes that kind of property which usually consists of things temporary and moveable, includes all subjects of property not of a freehold nature. Private property consists of all property belonging absolutely to an individual, and of which he has exclusive control rights of disposition.

STATEMENT OF FACTS AND THE CASE OF THE INDIAN TRIBES

Since some of the tribes have won judgments, the Secretary of Interior and the Indian Commissioner have advanced the unconvincing argument that such money awards are awards to the tribes as entities and are in nowise, awards to the individuals composing such tribes; and, upon this queer theory, they, as the top Officials of the Interior Department, are charged by existing law, with the power of deciding how, and in what manner, and amount, such judgments will be disbursed; that the members of the tribes winning such judgments have no power or legal authority to pro-rate among themselves such judgments, and that it is the policy of this administration to make no per-capita payments from these judgments, but instead, invest such money in tribal or reservation projects

ARGUMENT

Let us consider the merits or justice if there be any, of this queer and specious argument, declaration, decree and policy.

1. In the first place, the Tribes were the aboriginal possessors of these lands from time immemorial or long before the White Man discovered America. They were the owners by reason of aboriginal title and possession—the highest kind of a title.

2. All of the cessions between the Crows and the Government were never made with any understanding that when the Government paid for such land, that the money would be paid to the tribe as such, or as an entity—an abstract terminology—meaning the sum total of all the members composing the tribe—but, the whole understanding was, that any payments made were the property of all the members in equal amounts. No such understanding was ever suggested that payments would be held in escrow denying the members of the tribe from receiving their per-capita shares to use as they wished, and never was there ever any thought that such payments would arbitrarily be held and invested in tribal projects where only a few would benefit, or in the underwriting by the tribal members of individual enterprises, by their per-capita shares for such individual enterprises.